



site within the 'New University Campus Phase 1 Indicative Boundary'. The site is in flood zone 1 (low risk of flooding).

## **PROPOSAL**

1.4 The application is a reserved matters application submitted to satisfy condition 2 of 20/01270/FUL to agree reserved matters (appearance, landscaping, layout and scale) for the erection of a new children's nursery at the University of York's Campus East. The nursery would replace the existing smaller 30 place nursery on Campus West which is coming to the end of its life, being of modular construction. The proposed nursery would accommodate a maximum of 103 pre-school age children (age 0-4) and an additional 44 children in a crèche (up to age 10) at any one time (with up to five crèche sessions per day); ie. 147 children at one time within the nursery. The maximum number of staff would be 38 at one time. The nursery would provide for the childcare needs of staff and students as well as local communities.

1.5 The new nursery would have a footprint of 1,100 sqm gross floorspace in a single storey level access building. There would be c800 sqm external play space. The building would be constructed from buff brick and sections of louvered panels with a series of pitched, zinc standing seam covered roofs with rooflights. Full height windows and doors are proposed for the north and south elevations with glazed canopies and timber louvered screens providing undercover play space in inclement weather. Revised plans show a naturalistic planting scheme beyond the immediate free-flow external spaces as a wilderness play space for use by the nursery.

1.6 The proposals would include earthworks to create a level platform within the site with the fill from the levelling banked to the south to create a steep planted buffer to Kimberlow Lane. Revised plans show that the woodland to the north now remains intact.

1.7 Thirty vehicle drop-off spaces for visitors would be provided immediately west of the building from a new spur off the existing roundabout on Kimberlow Lane with Lakeside Way. There would be 13 secure undercover cycle parking spaces for staff in a building also accommodating refuse storage to the rear of the site. Eight Sheffield stands providing 16 cycle parking spaces for drops will be by the entrance.

## **RELEVANT PLANNING HISTORY**

1.8 Outline planning permission for the erection of a campus at Heslington East was granted by the Secretary of State in 2007 (04/01700/OUT). All matters of detail other than the means of access, were reserved for subsequent approval. In 2008

outline planning permission was granted to vary the plans condition of the 2007 planning permission (08/00005/OUT) and all of the remaining planning conditions were carried over to the new permission which was subsequently implemented. In 2015, a further new outline consent was granted 15/02923/OUT, which has most recently been updated again with a further outline planning permission being granted which carried over the previous conditions on 16 September 2020 (ref. 20/01270/OUT). There are a number of relevant conditions attached to this consent:

- Condition 2 – requirement for reserved matters approval for the siting, design, external appearance of buildings and landscaping;
- Condition 4 - development to be in accordance with Plan C(i) and the development footprint within the allocated area to not exceed 23% of that area.
- Condition 5 – restriction to University Uses, including ancillary uses.
- Condition 6 – Requirement for an annual traffic survey of traffic travelling to and from the University through three principal junctions.
- Condition 7 – All reserved matters applications for buildings over 500sqm floorspace to be accompanied by a comparison of predicted traffic flows related to the University. If the surveys indicate an increase in traffic at the three junctions of more than 5% then mitigation measures to reduce actual traffic flows to the predicted levels are required.
- Condition 9 – restricts the maximum parking spaces to 1500 total.
- Condition 11 – requires reserved matters to be submitted in accordance with an approved design brief and masterplan.
- Condition 12 – requires reserved matters applications to be submitted in accordance with an approved Landscape Design Brief.

1.9 AOD/18/00196 Condition 11 of 15/02923/OUT was approved on 19.10.2018 to vary the masterplan and subsequently this is the latest version.

## **2.0 POLICY CONTEXT**

### 2.1 Allocations:

#### Publication Draft Local Plan (2018)

##### Existing University Campus

Existing Open Space  
Public footpath on eastern site boundary  
Flood zone 1 (low risk of flooding)

## 2.2 Policies:

### City of York Local Plan Publication Draft (2018)

ED1 University of York  
ED3 Campus East  
HW4 Childcare Provision  
D2 Landscape and Setting  
G13 Green Infrastructure Network  
G14 Trees and Hedgerows  
G15 Protection of Open Space and Playing Fields  
CC1 Renewable Energy Generation and Storage  
CC2 Sustainable Design and Construction of New Development

### City of York Draft Local Plan adopted for Development Control Purposes (2005)

GP1 Design  
GP7 Open Space  
NE1 Trees, Woodlands and Hedgerows  
C7 Children's Nurseries

### Heslington Parish Neighbourhood Plan Submission Version (September 2019)

HES: 14 Green infrastructure  
HES: 19 University of York

## **3.0 CONSULTATIONS**

### **INTERNAL**

#### Design, Conservation and Sustainable Development (Landscape)

3.1 Kimberlow Hill presents an identifiable rise in topography resulting from the underlying York glacial moraine, a distinct feature of local geological significance lying within the generally flat Vale of York. The combination of the hill, the vegetation upon it, the openness and absence of built development on its higher gradients plus

views from it in all directions provide a distinct sense of place in this locality. This landscape also provides a setting for the new university campus which emerges from its lower slopes and extends across the flat vale.

3.2 Kimberlow Hill is an important piece of green infrastructure; it is accessible to the public and this one of the public benefits of the campus development. The vast majority of the land to the north of the service road retains the integrity of Kimberlow Hill. This is threatened by incremental changes to the original design concept and the proposed nursery results in further incremental erosion of the green infrastructure and integrity of Kimberlow Hill, and Diamond Wood, and the setting of Campus East, which have already been compromised by recent developments. Any development within this approximate location should be accommodated without further harm to the existing landscape framework. The proposed development does not achieve this basic requirement. The principle of development in this location is objected due to the substantial harm to the completeness of the landscape. If the nursery is to be supported, it should be at the forfeit of the car park to the west that is allocated within the approved masterplan so as not to result in further erosion of this valuable and otherwise clearly defined piece of green infrastructure.

3.3 Providing further comment on the revised plans and detailed landscape scheme, the officer welcomes the confirmation that the hedgerow and woodland now appear to remain intact. The native planting, new hedgerows and gapping up of the boundary to the PRoW are supported. Generally the landscaping proposals are supported although some improvements are proposed. Should the application be approved despite the strong objection to the principle of the development in this location, two conditions are advised to agree landscape details and to provide an arboricultural method statement to protect the surrounding trees during construction.

#### Design, Conservation and Sustainable Development (Archaeology)

3.4 Previous excavation of parts of the site revealed significant prehistoric and Romano-British archaeological features and deposits and there is a high probability of Roman and medieval archaeology existing across the whole site at shallow depths. The site lies within Area A3 identified in the 2007 Archaeological Remains Management Plan. No objections to the extension of the site boundary to include the earth mounds but if there is excavation into subsoil or removal of topsoil in this area then this area should also be monitored. A strip, map and record with further excavation where required prior to development commencing and this can be secured by condition on any approval.

## Childcare Strategy

3.5 Early Years and Childcare Service advise that whilst there is currently sufficient nursery provision in this area they are aware of possible housing developments planned which could increase demand by 35 places. Existing providers in the area should not be adversely affected by the development and in this instance, the university should evidence the need for the additional places supported by a business plan to minimise impact on the financial viability of nearby good quality settings. The Covid-19 pandemic is likely to impact on the childcare market for both the short and longer term. Any new provision should not have further detrimental impact on existing provision.

## Highways Network Management

3.6 Highways Network Management have reviewed both the Transport Statement and subsequent Addendum submitted. Whilst the applicant has advised that staff trip rates and parking requirements have been based on the University of York Prediction Model, underlining the range of sustainable means of travel to the site and the 2019 Traffic Survey data (2020 data not available), the methodology is not agreed by officers. This is because the traffic generation and parking requirements for a pre-school nursery of this size and in this location were not considered at the outline stage and based on experience elsewhere, are significant generators of traffic. The nearest access to the adopted highway network is on the junction with Hull Road in the vicinity of the Park & Ride and the impact on traffic of this section of the network from drop-offs / pick-ups during peak hours needs to be considered along with other potential junctions. The site's proximity to the A64 and the need for Park & Ride buses to function efficiently is important. Whilst the applicant has included additional staff trips in calculations during peak hours, all trips generated by parents/carers dropping off children/collecting children during these peak hours has been netted off as linked trips for university staff and students or as trips already on the network. This is not considered a reasonable assumption by officers due to the remote location within the campus and accessibility of the nursery to the wider residential population. There are concerns that there will be significantly increased traffic on the key junctions around the site and officers advise the application should be deferred as they do not have sufficient information to assess the impact of this development on the highway.

3.7 Applying CYC parking standards to the nursery, the anticipated staff car parking is above that forecast by the applicant, whereas the visitor (drop-off) parking

within the site is an overprovision. Cycle parking for staff and visitors is also considered a substantial under provision; 25 spaces for staff and 16 visitor spaces should be provided when applying CYC standards.

### Flood Risk Management

3.8 Referencing the Heslington East Campus Indicative Strategic Surface Water Drainage Plan, (SuDS Strategy) 70072/107 Revision D dated 15<sup>th</sup> July 2008 by Fairhurst which was approved under the 08/02543/REMM application, Flood Risk Management advise that the site is outside the area of development designed to be discharged to the strategic central lake and they do not support the proposed location for the nursery. The areas to the north of Kimberlow Lane were in drainage terms designated as landscaped areas and as such were not included in the strategic central lake design. If however permission is granted, then the scheme will require its own site specific attenuated surface water drainage system with a restricted discharge of 1.4 l/sec/hectare and must not be connected unrestricted to the central lake. This can be agreed by condition.

### Public Protection

3.9 The submitted noise assessment assesses the existing noise levels at the site and nearest residential properties and provides recommendations on plant/machinery noise limits and mitigation measures to be installed at the nursery to ensure adequate internal noise levels is accepted. Conditions are advised to secure the attenuation measures, for a Construction Environmental Management Plan (CEMP) and for construction hours. Land contamination assessments, and where appropriate, remediation, are also advised to be secured by condition. Provision of electric vehicle recharging points is advised.

## **EXTERNAL**

### Heslington Parish Council

3.10 The Parish Council request that a condition be attached to any approval to prohibit access (except emergency services) from Field Lane along Kimberlow Lane. The car parking should be for dropping off / picking up only. The Public Inquiry specifically granted permission for the development for University use only and associated research.

## Yorkshire Water Services

3.11 YWS note from the submitted FRA that surface water will drain to the existing sustainable drainage system that serves the wider site; given this, they have no further comment to make.

## Ouse and Derwent Internal Drainage Board

3.12 The Board has assets in the wider area in the form of various watercourses. These watercourses are known to be subject to high flows during storm events. Noting that the applicant is proposing to discharge into the University's lake system, providing this area falls within the catchment area previously agreed under planning permission 08/02543/REMM for the construction of the lake, when discharge rates were agreed, then providing it is within the catchment, the Board has no further comments. If this is not correct, then the Board wish to be reconsulted.

## **4.0 REPRESENTATIONS**

4.1 No comments received.

## **5.0 APPRAISAL**

### **KEY ISSUES**

5.1 The key issues are considered to be:

- Principle of development
- Landscape
- Ecology
- Archaeology
- Design
- Highways
- Drainage

## **PLANNING CONTEXT**

The National Planning Policy Framework (February 2019) (NPPF)

5.2 The revised National Planning Policy Framework was republished with very minor modifications in February 2019 (NPPF) and its planning policies are material



to the determination of planning applications. It is a material consideration in the determination of this application.

5.3 The NPPF sets out the Government's overarching planning policies. Planning should contribute to achieving sustainable development which comprises of economic, social and environmental objectives. Development proposals that accord with an up-to-date development plan should be approved without delay. Where there are no relevant development plan policies or where they are out of date, planning permission should be granted unless policies in this framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

5.4 Section 6 supports the expansion of businesses. Significant weight should be placed on the need to support economic growth. Section 8 on healthy and safe communities promotes development which encourages social interaction. This may be through mixed use developments and street layouts which allow easy connections and have active street frontages. Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Existing open space should not be built on unless an assessment has been undertaken which shows the open space to be surplus to requirements or equivalent or better provision in a suitable location is provided.

5.5 Section 9 promotes sustainable transport modes. Section 12 requires development to function well and add to the overall quality of the area, be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, be sympathetic to local character and history including the landscape setting, establishing a strong sense of place. Permission should be refused for development of poor design.

5.6 Section 15 sets policies for conserving the natural environment. This includes protecting valued landscapes, recognising the intrinsic character and beauty of the countryside, and the wider benefits of trees and woodland.

#### York Local Plan Publication Draft (February 2018)

5.7 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. In accordance with

paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

5.8 The policies map allocates the site as within the University Campus but as 'existing open space'. It is not Green Belt land.

5.9 Policy ED1 'University of York' supports a mix of uses on campus including academic and teaching uses, housing for staff and students, sports and social facilities ancillary to higher education and other ancillary uses to the university. Policy ED3: 'Campus East' sets development parameters including a restriction of the developed footprint (buildings, car parking and access roads) of not more than 23% of the 65ha area allocated for development, a maximum of 1,500 parking spaces, and the maintenance of a parkland setting.

5.10 Policy HW4 'Childcare provision' supports development which meets the city's needs. Proposals which fail to protect existing childcare facilities will be refused. Any new facilities should be in accessible locations and easily accessible by public transport, walking and by bicycle.

5.11 Policy D2 'Landscape and Setting' requires development to conserve and enhance landscape quality and character and the public's enjoyment of it. Proposals should enhance public use and enjoyment of existing open spaces, recognising the significance of landscape features such as topography, trees and hedgerows.

5.12 Policy G13 states that green corridors and open spaces should be maintained and enhanced whilst protecting and enhancing the amenity and experience of existing rights of way and open access land. Policy G14 requires development to recognise the value of existing tree cover and hedgerows and their biodiversity value. G15 'Protection of open space' explains that development proposals will not be permitted which would harm the character of, or lead to the loss of open space, of environmental or recreational importance unless it can be satisfactorily replaced

in the area of benefit in terms of quality, quantity and access with an equal or better standard than that which would be lost.

5.13 Policy CC1 requires new buildings to achieve a reasonable reduction in carbon emissions of at least 28% through the provisions of renewable technologies or through energy efficiency measures. Policy CC2 requires developments to demonstrate high standards of sustainable design and construction, energy and carbon dioxide savings. All new non-residential buildings should achieve BREEAM 'excellent'.

#### Development Control Local Plan incorporating the 4<sup>th</sup> set of changes (2005)

5.14 The DCLP was approved for development control purposes in April 2005. Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF as revised in July 2018, although the weight that can be afforded to them is very limited.

5.15 The draft proposals map shows half of the site as Open Space (Policy GP7) and the lower half as New University Campus Phase 1 Indicative Boundaries (Policy ED9). The following policies carry some limited weight:

- GP1 Design: development should be of a layout, scale, mass and design compatible with the character of the area. It should avoid the loss of open spaces and important gaps within development, vegetation and other features that contribute to the quality of the local environment. Urban spaces, public views and rural setting should be retained and enhanced where it makes a significant contribution to the character of the area.
- GP7 Open space: Development will only be permitted where there would be no detrimental effect on local amenity or nature conservation and compensatory provision of an equivalent size and standard is provided in the immediate vicinity.
- NE1 protects trees, woodlands and hedgerows. Developments should make proper provision for the planting of new trees and other vegetation.
- C7 supports development of children's nurseries where they are of an appropriate size with external play space, there they protect neighbour amenity and are well served by sustainable modes of travel.

5.16 The HPNP Submission Version was consulted upon for 6 weeks from 30<sup>th</sup> October 2019. Referencing paragraph 48 in the NPPF, at this time relevant draft policies therefore carry only limited weight.

5.17 The draft policies map identifies the site as within the University Campus but wholly within 'Significant Green Space' identified as 'Campus East Lake and Grounds'. Policy HES:14 'Green infrastructure' supports proposals that can be shown to avoid significant harm to the environment including trees, woods, hedges, grass field margins, flora and fauna and to the significant green spaces. Where significant harm cannot be avoided, it must be adequately mitigated, or as a last resort, compensated for. Kimberlow Hill, with extensive views, is identified as forming an important green open space buffer between Badger Hill, Heslington Village, new housing and Campus East and should comprise simple parkland.

5.18 Policy HES:19 University of York states that development proposals for the campuses will be supported, subject to the green open space 'buffer zones' protecting the landscape settings of Heslington village and Badger Hill remaining undeveloped.

## **ASSESSMENT**

### Principle of development

5.19 There is no adopted development plan for this site. The context is provided by the policies of the NPPF 2019, with limited weight attached to the Publication Draft Plan (2018) and emerging Heslington Parish Neighbourhood Plan (2019) and very limited weight to the DCLP 2005.

5.20 Within the Publication Draft Plan 2018, the site is identified as being within the new University Campus (Campus East) but wholly within designated existing open space. This open space designation encircles the new campus and is intended to provide a parkland setting, a visual break between the campus and the local community, as a recreational resource and as mitigation for the development. This open space designation follows the broad masterplan from the outline planning permission in 2008, and its various updates and amendments since and including the latest masterplan document from 2018, approved through AOD/18/00196 Condition 11 of 15/02923/OUT; MAKE Architect's 'Campus East Cluster 4 Design Brief including Masterplan' (dated 19 June 2018).

5.21 This 2018 Masterplan (AOD/18/00196) (section L, p35 in the report) shows the site as within green parkland and with a proposed car park to the west and proposed Cluster 3 development to the south. It confirms the lower two thirds of the

site as being within the 'allocated area for development' but the whole of the site as 'green space including tree and woodland planting'. Land to the west of the proposed nursery building is shown as 'parking outside the principal development areas' and is the only built development north of the service road (Kimberlow Lane). This area is partly within the extended red line boundary of the proposed site, but for which only flattening of the spoil heaps is proposed in this application.

5.22 All allocations and the proposed masterplan identify the site as open space/parkland and therefore the proposed nursery is in direct conflict with these draft policies and 2018 masterplan.

5.23 The nursery use, as a replacement and larger nursery is considered an appropriate use under condition 5 of the 2015 outline permission '(d) uses ancillary to the University', and emerging local plan policies. It is anticipated that a majority of users of the facility would be University staff and students and this will increase as the campus is built out. However some places would also reasonably be given to the wider community and users of the crèche facility, so close to York Sport, would also include those attending the gym, swimming pool and fitness classes unrelated to the University as well as other leisure pastimes.

5.24 Noting the requirements of HW4 'Childcare provision' and advice from colleagues in Childcare, the proposed nursery is both a relocation and extension to meet existing and future demand of the new campus. It is understood that the current nursery has a long waiting list and cannot meet all of the demand. As the campus is continued to be built out, it is reasonable to expect the demand from staff and students to increase. The principle of a nursery of this size to provide childcare on campus is considered reasonable and the applicant is not required to provide further justification.

## **Landscape assessment**

5.25 The first reference for any planning application is the development plan. In this instance, without an adopted plan, reference is made to the relevant policies in the emerging Publication Draft Local Plan (2018) and emerging Neighbourhood Plan (2019) which can be attributed limited weight. The whole application site is identified as 'existing open space' in the former and as 'significant green space' in the latter. Emerging Policy G15 states that the loss of open space will not be permitted unless it can be replaced to an equal or better standard. Policy G13 and G14 similarly protect open space, trees and hedgerows.

5.26 The 2018 approved masterplan for Campus East similarly confirms the proposed site as green space, but also shows the land adjacent as a surface car

park with the upper south facing slopes on Kimberlow Hill reformed to accommodate it.

5.27 The application site is rectangular and comprises an arable field, and land to the west including previous spoil heaps associated with former archaeological investigation. The site sits on the upper sections of the long south-facing slopes of Kimberlow Hill and it is considered an important piece of green infrastructure which continues alongside Field Lane in one direction and links with the wider countryside in the other. It is accessible to the public. Approximately half of the top of Kimberlow Hill has been planted with young woodland. The importance of the site in the landscape is the identifiable rise in topography within the generally flat vale, its geology as a glacial moraine, the absence of built form, its peaceful ambience, its contribution to the parkland setting to the north of the new campus, and green panoramic vistas from the upper slope within the site. There are well trodden informal paths running within the site boundary immediately south of the woodland and extending into the adjacent fields. The PRow to the east of the site extends south to York Sport and the wider campus, and north through the woodland to connect with the Kimberlow Hill parkland, local communities and the Park & Ride site.

5.28 The introduction of the proposed nursery, as built form as well as accommodating up to 148 children at one time will change the ambience of the area from a quiet natural space, free from development and will restrict the views from the upper slopes, particularly those from the informal routes through the site. However the continued build out of the campus to the south will also introduce new activity to the area and the proposals should be seen in this context. Some elevated views will be retained along the PRow but interrupted to the south-west by the nursery and additional planting.

5.29 The proposed nursery requires earthworks to create a level platform with consequential loss of the gentle sloped topography in this location. The revised drawings and show the nursery building and excavations not impacting on the woodland belt to the north. The single storey building is nestled into the slope and remains significantly smaller in scale such that the woodland is retained on the skyline and as a backdrop to the building. A new detailed landscape proposals plan shows a naturalistic planting scheme to the south and east of the nursery building and surrounding the fenced and walled direct external amenity space for the children. This scheme comprises wildflower meadow, gentle undulating topography before the steep drop to the road, swales, native shrub planting and clumps of woodland trees. Landscaping to the car park and front entrance is more ornamental to tie in with the built form and will soften the hard landscaping of parking areas and

the building behind. This scheme is acceptable and no further changes are required following comments from the Landscape architect and applicant's justification.

5.30 Additional hedgerows are proposed to create a new field boundary on the west side of the car park and to the south of the nursery play space. The gaps in the hedgerow alongside the PRow are to be planted with native hedgerow species further helping to screen the proposed nursery building from public views, and with landscape and ecological benefits. A further benefit of the scheme is the levelling of the spoil mounds which sit in contrast to the gentle slopes. This landscape design is supported, will soften the impact of the building on the hill slope and blur the edges between the proposed and existing green infrastructure.

## **Design**

5.31 The proposed pre-school nursery comprises a single storey development with three shallow dual pitched roofs running parallel across the site. It is a maximum of 6m in height to the ridge and provides 1,100 sqm gross floorspace with level access throughout. A shallow pitched canopy across sections of the north and south elevations will provide outside play space in inclement weather or shade in the height of summer. Materials include buff brick and timber panels and louvres, standing seam zinc roofs and full height glazed doors and windows on the external elevations and a fully glazed entrance lobby/circulation space running centrally through the building. Projecting pattern brickwork is proposed for sections of the external elevations and on the boundary walls to add interest and soften the external appearance. There are separate areas for different age groups and both separate and shared external play spaces bounded by brick walls, metal fencing and hedging. The proposed design is supported and will provide a high quality facility, with differing spaces and internal and external areas for the benefit of the nursery children.

5.32 The agent has confirmed that the building will be designed to achieve BREEAM "excellent". The nursery has been designed to incorporate passivhaus principles which has informed the form, layout, percentage of glazing and overall building fabric. The scheme adopts a highly thermally efficient, extremely air-tight envelope with mechanically assisted ventilation to distribute tempered air. As such the building would be comfortable and healthy and have low energy and running costs. The passivehaus design would be particularly welcomed and address the requirements of emerging policies CC1 and CC2.

5.33 The car park will provide accessible car parking drop off spaces and generous widths (3m) to allow for car seats and small children to be lifted out of vehicles. Within the building, door sizes, corridors and accessible WCs will provide for less

able bodied users. A condition can require the provision of 2no. dedicated electric vehicle recharging spaces, most likely to be used by the longer term parking of staff users.

5.34 Overall, the proposed design is supported and responds to the palate of materials elsewhere on campus.

## **Archaeology**

5.35 From previous investigations it is likely that there will be valuable archaeological remains, particularly Roman remains, at shallow depths within the site. However, a strip, map and record with further excavation where required can investigate and record such deposits prior to construction commencing and can be secured by condition.

## **Drainage**

5.36 The original masterplan for the campus intended that the proposed site formed parkland, as such the approved drainage strategy for surface water to be discharged into the lake did not take into account the principle of development of a building(s) in this location. The approved Strategic Surface Water (SuDS Drainage Strategy) - Re: 70072/107 Revision D dated 15th July 2008 by Fairhurst was did not consider surface water discharge from the site. The proposed scheme to discharge unrestricted to the lake is not supported and a site specific drainage scheme needs to be proposed. This can be secured by condition. The outline planning permission includes conditions 19 and 20 on drainage details but in this instance, as the scheme is outside of the previously approved drainage catchment for the lake, additional conditions are advised.

## **Highways**

5.37 Access to the Nursery in a private vehicle from the east is along Kimberlow Lane and the A1079 Hull Road signalled junction to the north of the site or from the west via the central access to the Campus from Field Lane, Badger Hill. An existing roundabout within the campus on Kimberlow Lane would provide access via a new spur into a new 30 space car park. Revisions to proposals state that it is intended that 16 of these spaces would be available for drop-off of children and the remainder for nursery staff car parking.

5.38 The Grimston Bar Park & Ride site is within a short walk (c5 mins) of the proposed nursery. The University Transit System (free campus shuttle buses) operates along Kimberlow Way and would provide opportunity for staff and student



parent/carers to access both campuses following drop-off/collection from the nursery. Assuming that most parents will travel by car to drop off their children, if they are staff or students at campus, they will need to re-park their vehicle either in a longer stay car park to the west on Kimberlow Lane by the Field Lane roundabout or at Campus West after drop-off before continuing on to their destination. As Cluster 3 is built out, further car parks will become available – one being identified immediately to the west of the site, the other south of the Park and Ride. Therefore the opportunity for linked trips will increase, supported by the initiatives in the University wide Travel Plan.

5.39 A network of formal and informal pedestrian routes already exist throughout the West and East Campuses linking to the adjacent PRow, the park and ride site and the parkland to the north. Revised plans now show 8no. Sheffield stands for parking of 16 bicycles at drop off in accordance with CYC parking standards. An undercover staff cycle parking facility for 12no. bicycles locked to Sheffield stands is proposed towards the rear of the site (with bin store).

5.40 Highways Network Management, having assessed the original and revised proposals, express concerns over the volume of additional traffic likely to be generated by the nursery (103 spaces) and crèche (additional 44 spaces at one time in up to five two-hour sessions). Whilst some of the children at the nursery may relocate from the existing nursery, they considered that new customers will be potentially from a much wider catchment due to the site's accessibility by car and also the proximity of the park and ride site. The remote location from Campus West may encourage people to drive closer to their destination following drop-off and re-enter the local highway network. It is agreed with the applicant, that most children will be driven to the nursery, but in contrast it is not therefore also agreed that the only additional traffic will be from staff travelling to the nursery during peak hours and all other vehicle movements associated with the children being dropped off can be netted off.

5.41 Further consideration has thus been given as to whether the proposals can be supported. The existing nursery on Campus West reports being at full capacity and since it was established, the second campus has been partly built out. Clearly there will be an increased demand for spaces from University staff and students and the University have made it clear that a new high quality nursery facility on site is required to attract and retain high calibre academics and other staff members. It is therefore reasonable to expect a high proportion of linked trips, but as there is limited long term car parking nearby and the facility is some distance from Campus West, it is still not agreed that all drop-off movements can simply be discounted from the peak hour flows.

5.42 The outline consent (15/02923/OUT) contained a number of transport related conditions; two of which are particularly pertinent to this application. Condition 6 required annual traffic surveys through three principal junctions, and Condition 7 required that all reserved matters applications submit predicted traffic flows. If the surveys indicate an increase in traffic at the three junctions of more than 5% then mitigation measures to reduced actual traffic flows to the predicted levels are required.

5.43 The latest traffic survey available was from 2019 and that indicated that the actual flows are significantly higher than the mitigation threshold during peak periods for the level of build out of the campus to date. However the applicants advise that whilst the 2019 survey recorded trips significantly over the agreed theoretical threshold at this stage in the build process (43% increase), they are still within the maximum permitted vehicle trip threshold for the full build out of the campus. The applicant's planning statement indicates that spaces at the nursery will be allocated to children of students and staff at the University and affiliated companies, delegates at conferences and other University activities and then if places are still available, to children of local residents. Therefore it is not unreasonable to expect a high level of linked trips and this would increase as the build-out of the Campus continues. The latest information provided by the applicant under separate cover is that approximately 95% of nursery places are for existing staff and students.

5.44 As the forecast trip generations are within the maximum permitted allowance for full build out of the Campus with 356 trips still permitted within the overall limit, and measures are in place via a Travel Plan to encourage more sustainable modes of travel, the conclusion is that the Outline consent's conditions 6 and 7 still control the additional trip generation for the campus as a whole. The measures reported by the University to promote sustainable choices of travel to and within campus developed in their Travel Plan (Condition 8 of the outline permission requires review and agreement of the Travel Plan by the LPA) will help to encourage sustainable travel choices within and between the two campuses. Therefore, whilst it is agreed that the proposals will generate more trips in the peak period than suggested by the applicant, there are mechanisms in place for review and mitigation, and as the Campus continues to develop, so the potential for linked trips and sustainable travel choices increases.

5.45 The University are reviewing its parking provision across its whole estate. All future proposals (e.g. cluster 3 and/or a car park) will be subject to reserved matters applications and would need to be considered by the Council on their individual merits at the time, and this would include forecast traffic generation. Should the Travel Surveys continue to demonstrate an increase in vehicle movements beyond

permitted increase, then the Outline consent conditions will require mitigation to be implemented and a control on any further build out.

5.46 The number of drop off spaces being 16 of the 30 spaces is considered reasonable and acceptable and can be secured by condition. The remainder will be available for staff car parking and two of these can be identified for dedicated electric vehicle recharging. Additional staff vehicles can be parked elsewhere on campus and staff walk or take the shuttle bus to the nursery. Whilst staff cycle parking facilities are below CYC minimum parking standards, they have been informed by University surveys of travel modes and can be increased if required through review of Travel Plans. The applicant has advised they will provide more spaces should they be required but are confident in their assessment of need from the surveys and will not provide additional places through this application. Further evidence has been provided on service vehicle size (private contractor vehicles of 6.3m length by 2.0m wide) and these align with the submitted swept path diagrams. Therefore in terms of parking provision and service vehicle movements, the proposals are considered acceptable.

## **Ecology**

5.47 The submitted ecology report confirms that there are no ecological concerns relating to the development and this is accepted. The report includes recommendations for ecological enhancement and this would be supported including bat / bird boxes, gapping up the hedgerow and a wildflower meadow area. This could be agreed by condition. Protection of woodland and suitable fencing to protect badgers/hedgehogs during construction could also be conditioned.

## **Other Material Factors**

5.48 Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The application is not in accordance with draft or emerging development plans due to the principle of the development on designated open space / parkland and thus consideration is given to other material factors in the planning balance. The applicant has set out the justification for the nursery in this location as follows:

- The approved masterplan and outline consent were always intended to be indicative and provide a strategic framework for future development and should be able to adapt and evolve over time. Historically the form of development has not been strictly in accordance with the parameters set by the masterplan, which is now twelve years old. The site is within the 65ha site allocated for development.

- The principle of reforming a section of the higher slopes of Kimberlow Hill for a car park as shown in the masterplan has already established the principle of cutting into the hill in this location. The landscaping proposed will limit the visibility of the nursery.
- There is a pressing need for additional nursery places on the University Campus due to the existing over-demand plus the University expansion and the poor quality of the existing pre-fabricated nursery building at Campus West, which is coming to the end of its life and has a number of problems including lack of space, lack of facilities, problems of overheating/cooling and inadequate drop-off facilities. Concerns have been raised by Ofsted on the condition of the building and with consequential potential impact on funding through loss of revenue if the nursery's 'good' rating is not maintained.
- The existing nursery site is not favoured for the new facility due to the need to maintain operation of the nursery during the construction of the replacement building. It is a small site surrounded by trees within the Grade II listed parkland.
- Alternative sites have been assessed and discounted. Campus West is near its 23% footprint restriction for buildings and car parks. Alternative sites were too small, located in the Green Belt, could not accommodate traffic or considered inappropriate visually.
- The need for a high quality nursery to provide childcare for staff and students is seen as a key driver in attracting the highest calibre staff and students from a variety of backgrounds. In turn, this supports the University's reputation and desirability as a first class place to study and thus its continued role as a major employer and of its economic contribution to the city.
- The proposed nursery site does relate to the car park 'jellybean' on the approved plan C(i) north of Kimberlow Lane and which also included reprofiling of the hillside. The site is within the 'allocated area of development'.
- The nursery cannot be located within the undeveloped Cluster 3 area because the University need to maximise development potential through building to maximum heights as permitted on the approved plans whilst not exceeding the 23% developed footprint. Campus East is intended to be car free with cars restricted to the periphery. As the children will need to be dropped off by parents close to the entrance, the nursery cannot be within the central park of the campus.

- The impact of the proposal on the recreational value of Campus East is negligible with the application site forming just 1.5% of the total campus area. The campus is large enough to allow public recreation and amenity in other spaces. The PRow and other amenity routes around the site remain unaffected.
- The site's location close to the sports village provides further education synergies and support for healthy lifestyles for parents with the short term crèche facility.
- A nursery adjacent to teaching accommodation is not considered to be compatible with the latter built at much higher density resulting in overshadowing and overlooking of children's play areas. The proposed site will not be overlooked.
- The site has no close neighbours so noise from children's play would not be inhibited.
- The site is in a sustainable location, easily accessible by bicycle and is not expected to generate many additional vehicle trips during peak hours.
- Wider benefits of the proposals include removal of the archaeological spoil heaps and gapping up of the hedgerow alongside the PRow to improve integration with the landscape.

## **6.0 CONCLUSION**

6.1 The application is for a new (replacement and enlarged) pre-school nursery and crèche in a new single storey building at The University of York's Campus East. It is accepted that there are no other suitable sites for the nursery which would not compromise the University's objectives nor the build out of the masterplan area. As all other factors; design, access, sustainability, suitable drainage etc are supportable, in the planning balance the harm identified to the parkland landscape is outweighed by the urgent need and lack of suitable alternative location. Planning law requires that applications are determined in accordance with the development plan, unless material considerations indicate otherwise. As York does not have an adopted development plan, those emerging policies which identify the site as open space carry limited weight. There are compelling reasons put forward by the applicant and as such, considering all issues in the planning balance, the application is recommended for approval.

## **7.0 RECOMMENDATION: Approve**

1 The development hereby permitted shall be carried out in accordance with the following plans and other submitted details:-

Location plan, P106 rev C, received 12.10.2020  
Proposed masterplan, P110 rev H, received 12.10.2020  
Proposed site plan, P111 rev J, received 06.11.2020  
Proposed ground floor site plan, P210 rev J, received 12.10.2020  
Proposed ground floor plan, P200 rev D, received 09.06.2020  
Proposed elevations sheet 1, P245 rev C, received 09.06.2020  
Proposed elevations sheet 2, P246 rev B, received 09.06.2020  
Proposed roof plan, P220 rev D, received 09.06.2020  
Proposed site elevations sheet 1, P240 rev C, received 12.10.2020  
Proposed site elevations sheet 2, P241 rev D, received 12.10.2020  
Proposed long site section, P300 rev D, received 12.10.2020  
Proposed building sections, P320, rev A, received 13.03.2020  
Proposed building sections, P321 rev A, received 13.03.2020

Render view 1, P700 rev A, received 13.03.2020  
Render view 2, P701 rev A, received 13.03.2020  
Landscape proposals LL01 rev A, received 12.10.2020  
Proposed site plan boundary conditions, P115 rev C, received 12.10.2020  
Proposed bike/bin store plan, P330 rev B, received 09.06.2020  
Drainage Strategy Sheet 1 of 2, 92001-P01, received 13.03.2020  
External lighting philosophy layout, UYN-WSP-00-GF-DR-E-630301, rev P01, received 13.03.2020  
External lighting layout, UYN-WSP-00-GF-DR-E-630302, rev P01, received 13.03.2020

Smeeden Foreman's Landscape Setting SF 3040, rev A, August 2020  
Smeeden Foreman's Preliminary ecological appraisal SF 2974 September 2019  
ADT Environmental Noise Impact Assessment 2942/ENIA 14.01.2020  
YAT Desk based assessment, 09.02.2020  
Design and Access Statement, received 13.03.2020

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

2 Within three months of the commencement of development a detailed landscape scheme shall be submitted to the Local Planning Authority for approval in

writing. This shall include the species, stock size, density (spacing), and position of trees, shrubs and other plants; and seed mixes, sowing rates and mowing regimes. It will also include tree planting details including ground preparation, soil volumes, means of support, protection, and watering. The proposed tree planting shall be compatible with existing and proposed utilities. This scheme as approved shall be implemented within a period of six months of the practical completion of the development. Any trees or plants which within a period of five years from the substantial completion of the planting and development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species across the site, since the landscape scheme, is integral to the landscape mitigation and amenity of the development.

3 Prior to the commencement of development, a complete and detailed Arboricultural Method Statement regarding protection measures for the existing trees and hedgerows shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing shown on a tree protection plan, a schedule of tree works if applicable, site rules and prohibitions, phasing of works, locations and means of installing utilities, and the location of a site compound. A copy of the document will be available for reference and inspection on site at all times. The development shall be carried out with the approved Arboricultural Method Statement.

Reason: To protect existing trees and hedgerows that are considered to make a significant contribution to the amenity of this area and / or the development.

4 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the erection of any part of the building above foundation level. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

5 Prior to first occupation of the development, all boundaries shall have been installed in accordance with approved drawings 'Proposed site plan boundary conditions' (20396\_P155 rev C) and 'Landscape proposals' (LL01 Rev A).

Reason: So as to achieve a visually cohesive appearance.

6 A programme of post-determination archaeological mitigation, specifically an archaeological strip, map and record is required on this site.

The archaeological scheme comprises 3 stages of work. Each stage shall be completed and approved by the Local Planning Authority before any site preparation and construction works can commence.

A) No groundworks or site stripping shall take place outside of the areas already archaeologically excavated, until a written scheme of investigation (WSI) for a strip, map and record with excavation where appropriate has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI. The WSI should conform to standards set by the Chartered Institute for Archaeologists.

B) The site investigation and post-investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results together with archive deposit. This part of the condition shall not be agreed until these elements have been fulfilled in accordance with the programme set out in the WSI.

C) A copy of a report (and evidence for publication if required) shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 3 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

This condition is imposed in accordance with Section 16 of the National Planning Policy Framework.

Reason: The site is considered to be an area of archaeological interest. Therefore, the development may affect important archaeological deposits which must be recorded prior to destruction.

7 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.



8 Prior to the commencement of development, (other than the archaeological investigations and recording) details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the drainage shall be provided in accordance with these approved details prior to first occupancy.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site.

9 Unless otherwise first approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: So that the Local Planning Authority may be satisfied that no foul and surface water discharges take place until proper provision has been made for their disposal.

10 Prior to the nursery coming into first use, all sound attenuation measures detailed in the noise assessment supplied being ADT's Noise Assessment ref ADT/2942 dated 14/1/20 shall be fully implemented. Thereafter they shall be maintained as such, or replaced with suitable other measures as necessary to achieve the same sound reduction for the lifetime of the development.

Reason: To protect the amenity of neighbours.

11 Prior to development commencing and in conjunction with the archaeological assessment, an investigation and risk assessment must be undertaken to assess the nature and extent of any potential land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced and approved in writing by the Local Planning Authority prior to development commencing. The report of the findings must include:

- i. a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- ii. an assessment of the potential risks to:
  - o human health,
  - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - o adjoining land,
  - o groundwaters and surface waters,
  - o ecological systems,
  - o archaeological sites and ancient monuments;

iii. an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

12 Prior to development commencing and subject to the outcome of the investigation for the presence of any land contamination, if required, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and submitted to the local planning authority and approved in writing. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

13 Should remediation be required, the approved land remediation scheme must be carried out in accordance with the necessary timescales and its terms. A verification report that demonstrates the effectiveness of the remediation carried out must be produced for approval in writing by the Local Planning Authority prior to first occupation of the development hereby approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

14 Prior to the development commencing details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

15 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes. This shall include the retention of a minimum of 16no. parking spaces within the site for exclusive use by parents/carers of the nursery / creche as drop off spaces and not at any time for long term parking (defined as more than 30 minutes). A sign shall be erected on site displaying this information.

Reason: In the interests of highway safety.

16 Within 6 months of first occupation of the development a site specific travel plan shall be submitted to the council for approval in writing. The development shall subsequently be occupied in accordance with the aims, measures and outcomes of the travel plan as approved in writing by the local planning authority.

Reason: To ensure that the development complies with national and local transportation guidance and to ensure that adequate provision is made for the movement of vehicles, pedestrians, cycles and other modes of transport to and from the site together with parking on site for these users. As the nursery may be operated independently to the University, this will ensure compliance with sustainability objectives.

17 No development shall take place (including ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities on the woodland and hedgerows surrounding the site.
- b) Use of directional lighting during construction and operation, which will not shine upon the site boundaries, hedgerows or trees within the site.
- c) The location of all storage of materials and parking and manoeuvring of vehicles during works.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To protect habitats of ecological value being the surrounding woodland and

hedgerows during construction.

18 Details of the reduction in carbon emissions for the development hereby approved would achieve when compared against Part L of the Building Regulations (the notional building) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the building above foundation level. The development shall be carried out in accordance with these approved details.

The details shall demonstrate a reduction in carbon emissions of at least 28% through the provision of renewable or low carbon technologies or through energy efficiency measures and at least a 19% reduction in dwelling emission rate compared to the Target Emission Rate (calculated using Standard Assessment Procedure methodology as per Part L1A of the Building Regulations).

Details shall also be submitted that demonstrate that the development shall also achieve a water consumption rate of no more than 110 litres per person per day (calculated as per Part G of the Building Regulations).

Reason: In the interests of sustainable design and in accordance with policies CC1 and CC2 of the Publication Draft Local Plan 2018.

19 Prior to first occupation of the development 2no. Electric Vehicle Recharging Points shall be provided in a position and to a specification previously agreed in writing by the local planning authority and shall be maintained and kept in good working order thereafter as specified by the manufacturer. All charging points shall be located in a prominent position on the site and shall be for the exclusive use of zero emission vehicles.

Reason: To promote and facilitate the uptake of electric vehicles on the site in line with the Council's Low Emission Strategy (LES) and the National Planning Policy Framework (NPPF).

Notes:

Electric Vehicle Charging Points should incorporate a suitably rated 32A 'IEC 62196' electrical socket to allow 'Mode 3' charging of an electric vehicle. The exact specification is subject to agreement in writing with the council. The location of charging points should be identified by parking bay marking and signage. All electrical circuits/installations shall comply with the electrical requirements in force at the time of installation.

## **8.0 INFORMATIVES: Notes to Applicant**

## 1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

Requested submission of further information on highways impact

Requested clarification of the proposals and any impact on the woodland to the north

Agreed landscape revisions

Agreed drainage details would be agreed via condition as requested

Agreed pre-commencement of development conditions

## 2. DEVELOPMENT INFORMATIVE:

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

(b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(c) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

(d) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

(e) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

(f) There shall be no bonfires on the site

### 3. INFORMATIVE: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP)

To be in accordance with condition 14 of 20/01270/OUT a site specific CEMP should be submitted to and approved in writing by the local planning authority prior to development commencing.

For noise details on hours of construction, deliveries, types of machinery to be used, use of quieter/silenced machinery, use of acoustic barriers, prefabrication off site etc, should be detailed within the CEMP. Where particularly noisy activities are expected to take place then details should be provided on how they intend to lessen the impact i.e. by limiting especially noisy events to no more than 2 hours in duration. Details of any monitoring may also be required, in certain situation, including the location of positions, recording of results and identification of mitigation measures required.

For vibration details should be provided on any activities which may results in excessive vibration, e.g. piling, and details of monitoring to be carried out. Locations of monitoring positions should also be provided along with details of standards used for determining the acceptability of any vibration undertaken. In the event that excess vibration occurs then details should be provided on how the developer will deal with this, i.e. substitution of driven pile foundations with auger pile foundations. Ideally all monitoring results should be recorded and include what was found and mitigation measures employed (if any).

With respect to dust mitigation, measures may include, but would not be restricted to, on site wheel washing, restrictions on use of unmade roads, agreement on the routes to be used by construction traffic, restriction of stockpile size (also covering or spraying them to reduce possible dust), targeting sweeping of roads, minimisation of evaporative emissions and prompt clean up of liquid spills, prohibition of intentional on-site fires and avoidance of accidental ones, control of construction equipment emissions and proactive monitoring of dust. Further information on suitable measures can be found in the dust guidance note produced by the Institute of Air Quality Management, see <http://iaqm.co.uk/guidance/>. The CEMP must include a site specific risk assessment of dust impacts in line with the IAQM guidance note and include mitigation commensurate with the scale of the risks identified.

For lighting details should be provided on artificial lighting to be provided on site, along with details of measures which will be used to minimise impact, such as restrictions in hours of operation, location and angling of lighting.

In addition to the above the CEMP should provide a complaints procedure, so that in

the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (i.e. investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved. Written records of any complaints received and actions taken should be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses [public.protection@york.gov.uk](mailto:public.protection@york.gov.uk) and [planning.enforcement@york.gov.uk](mailto:planning.enforcement@york.gov.uk)

#### 4. DRAINAGE DETAILS - DESIGN CONSIDERATIONS

The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuD's). Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided (i.e. witnessed by CYC infiltration tests to BRE Digest 365) to discount the use of SuD's.

If SuDs methods can be proven to be unsuitable then in accordance with City of York Councils Sustainable Drainage Systems Guidance for Developers (August 2018), peak run-off from brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 30% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

If existing connected impermeable areas are not proven then greenfield sites are to limit the discharge rate to the pre-developed run off rate. The pre-development run off rate should be calculated using either IOH 124 or FEH methods (depending on catchment size) based on the 1 in 1 year event.

Where calculated runoff rates are not available the widely used 1.4l/s/ha rate can be used as a proxy, however, if the developer can demonstrate that the existing site discharges more than 1.4l/s/ha a higher existing runoff rate may be agreed and used as the discharge limit for the proposed development.

Surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

## 5. BREEDING BIRDS

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

## 6. INFORMATIVE: MASTERPLAN UPDATE

The previously approved masterplan should be updated to illustrate the location of the nursery through a new approval of details application for condition 11 and 12 of the outline consent.